

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUMBERTO ROJAS-ZARATE,

Defendant.

No. 1:15-CR-2042-SAB-1

ORDER DENYING DEFENDANT'S
MOTION TO REOPEN DETENTION
HEARING

Date of bail review hearing: 12/28/2015

BEFORE THE COURT is Defendant's Motion to Reopen Detention Hearing (ECF No. 114) heard on December 28, 2015. The Court reopened the bail hearing to consider the additional proffers of the Defendant and arguments of counsel. 18 U.S.C. § 3142(f). The Government orally opposed the Motion.

The Court has considered this additional information and evaluated the four factors outlined in 18 U.S.C. § 3142(g) to decide whether there were conditions of release that would reasonably assure the Defendant's appearance in court and the safety of the community: (1) the nature and circumstances of the offense; (2) the weight of evidence against the Defendant; (3) the history and characteristics of the Defendant; and (4) the nature and seriousness of the danger the Defendant would present to the community if released. The Court finds that these factors, as set forth orally by the Court, weigh in favor of the Defendant's continued detention.

This is a case where the presumption of detention applies. The fact the Defendant's girlfriend is pregnant with his child, the ability post bond, and the

1 conditions at the Yakima County jail, do not persuade the Court to release the
2 Defendant. The Court finds a preponderance of the evidence remains that there are
3 no conditions or combination of conditions other than detention that will reasonably
4 assure the appearance of Defendant as required, and furthermore by clear and
5 convincing evidence there are no conditions or combination of conditions other than
6 detention that will ensure the safety of the community.

7 **ACCORDINGLY IT IS ORDERED:**

8 1. The Defendant's Motion for Release (**ECF No. 114**) is **DENIED**.
9 Defendant shall remain held in detention pending disposition of this case or until
10 further order of the court.

11 2. If the Defendant seeks review of this Order pursuant to 18 U.S.C. § 3145(b),
12 attorney for Defendant shall file a written motion for revocation or amendment of
13 this Order within ten (10) days before the district judge to whom this case is assigned
14 and note it for hearing at the earliest possible date. Both parties are responsible to
15 ensure the motion is determined promptly.

16 **DATED** December 28, 2015.

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18 s/James P. Hutton
19 JAMES P. HUTTON
20 UNITED STATES MAGISTRATE JUDGE
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